

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CANDACE GERTCHER,

Plaintiff,

v.

JASON THERRIAN,

Defendant.

CASE NO. 2:20-cv-240

HON. ROBERT J. JONKER

ORDER

This matter is set for jury trial August 2, 2022, with a supplemental Pretrial conference August 1, 2022. The parties and the Court have been making final preparations and filing materials steadily. But Plaintiff has just filed an emergency motion seeking to adjourn the trial date based on the firm's IT server crash, and an unanticipated failure of the backup systems the firm had in place to prevent data loss.

The Court is certainly sympathetic to plaintiff's plight. In today's world, counsel and the Court have come to rely on digital systems to maintain, prepare and analyze trial materials. But it was not that long ago that all of us managed with paper alone. And most of us continue to work with at least a parallel paper file of the most critical materials. At least the Court does. This case is not particularly complicated, and even if counsel is unable to recover full system data between now and the anticipated start of trial, the Court expects adequate preparation is still possible with paper back up, if nothing else. There are limited number of witnesses and trial exhibits, and a time-limited trial overall.

Some members of the Court and staff are already en route on the 400-mile trip from their ordinary duty station to the place of trial. Others have made travel arrangements that will kick in shortly. Because the Court has no Article III Judge in residence in the Northern Division, riding circuit is necessary, but this makes adjournments more problematic. All things considered, the Court is very reluctant to postpone trial now and waste the preparations already in place. And at present, the Court is not convinced that adequate trial preparations are impossible, as opposed to seriously inconvenient.

Accordingly, the Court denies the emergency motion to adjourn on the present record.

Dated: July 29, 2022

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE